

## REMARKS

Claims 1-21 presently stand rejected. Claims 1 and 12 stand rejected under 35 USC 101. Claims 1-21 stand rejected under 35 USC 102 and 103 as being met by Johnson (US 6,966,824).

### 35 USC § 101 rejection

The examiner has rejected to claims 1 and 12 as being directed to non-statutory subject matter.

Claims 1 and 12 (as amended) now explicitly recite the feature/step of awarding a prize to the player which, as indicated by the examiner, should obviate this rejection.

### 35 USC § 102 and § 103 rejection

The examiner raises the following rejections:

- § 102(e): claims 1-4 and 12-15 as being anticipated by US 6,966,834 (Johnson).
- § 103(a) claims 5-11 and 16-21 as being unpatentable over Johnson.

### Overview of the present invention

The present invention is directed to using a person's residual credits to contribute to and/or determine when a jackpot will be awarded.

As noted in the background of the present application, "residual credits" are those credits which are of less monetary value than the smallest denomination a gaming machine will pay out. For example, If a gaming machine only pays out \$1 coins anything less than \$1 is residual credit.

The likelihood of a person being awarded the jackpot is determined by reference to the number of residual credits a person risks.

### Differences over the Art of Record

There are two fundamental differences between the presently claimed invention and the Johnson '834 patent:

- (1) the use of a player's residual credits; and
- (2) awarding a specific player an award as opposed to awarding a gaming machine an award.

### **Overview of US 6,966,834 (Johnson)**

Johnson is directed to the determination of when a gaming machine in a system of gaming machines will be awarded a jackpot.

The value of the jackpot in Johnson consists of a base value which is incremented in accordance with the turnover of the gaming machines in the system (col 4, ln 48).

The probability of a gaming machine being awarded the jackpot is determined in accordance with the turnover of that gaming machine within a set time period (e.g. the preceding 30 seconds) (col 5, ln 45).

The “object” of Johnson appears to be using the time windows to make the award of a jackpot to a gaming machine fairer – i.e. to reduce the likelihood of a situation where a person spends a large amount of money on a gaming machine, leaves the machine and the next person to play the gaming machine wins a jackpot due to the previous person’s high wagering.

### **Novelty objection (35 USC § 102)**

It is respectfully submitted that claims 1-4 and 12-15 are not, anticipated by Johnson. For example:

- claims 1 and 12 (and the claims dependent thereon) are directed to the use of a player’s *residual* credit, to which Johnson is completely silent;
- claims 1 and 12 are directed to the *player* winning a prize (i.e. the specific player whose residual credits have been used); whereas, Johnson is directed to a *gaming machine* winning a prize;
- claims 1 and 12 include the feature of “determining a range of outcome values *of the player...*”, while Johnson determines a range of outcome values for the *gaming machine*; and
- claims 4 and 15 – applicant is unable to find support in Johnson for the examiner’s contention that Johnson discloses calculating an upper limit by dividing the jackpot pool by the denomination of the gaming machine.

Johnson is specifically directed to awarding a *gaming machine* (as opposed to a specific player) with a jackpot. This determination is based on the turnover of the gaming machine, which in turn may be attributable to a number of different players. By far the majority of the description of Johnson is the teaching of how the award of the jackpot may be linked to the turnover of the gaming machine by use of draw periods, record periods, and sliding windows.

Inherent in these calculations (and, again, the entire purpose of Johnson) is the importance of “normalizing” operational characteristics in order to allow “all machines to have a fairer record of activity than individual change in turnover meter figures” (col 5, ln 29).

Fundamentally, therefore, Johnson is directed to a different object than the present application. In Johnson, the award of a jackpot to a gaming machine is not related back to a particular and specific player. Rather, the award is related to the turnover of a gaming machine in a given time window, a window which may well include turnover figures obtained from previous players of the gaming machine.

In the present invention, however, a specific *player* (the player whose residual credits have been used) is provided with a chance of winning a jackpot. This chance is not linked to the turnover of the gaming machine (either in a specific time window or otherwise), but is determined entirely in relation to the number of residual credits held by the player.

Regarding claims 6 and 17: Applicant cannot find disclosure in Johnson that “wherein the jackpot ... comprises contributions of residual credit ...” (noting again that Johnson is completely silent with respect to “residual credit”);

Regarding claims 7 and 18: Applicant cannot find disclosure in Johnson that “...when the player offers the residual credit of the player to contribute to the upper limit of the jackpot pool”;

Regarding claims 8 and 19: Applicant cannot find disclosure in Johnson of the step of “assigning a unique identification code for each player” (tables 1-8 of Johnson as cited by the examiner deal with gaming machine turnover, scaling factors, variable probabilities, assumptions and operating characteristics – and do not disclose player identification codes);

Regarding claims 9 and 20: Applicant cannot find disclosure in Johnson of “storing the unique identification code”.

In addition to the above differences between the presently claimed invention and that disclosed in Johnson, it is also submitted that it would not have been obvious to modify Johnson to arrive at the presently claimed invention.

In order to modify Johnson to reach the invention of the present application, the skilled artisan would need to:

1. make a fundamental shift from a system of awarding a gaming machine (irrespective of the player) to a system whereby a specific player is awarded;

2. introduce the concept of using residual credits (to which Johnson is entirely silent), along with the associated software/system/communications changes entailed therein; and

3. completely ignore the bulk of Johnson's teachings regarding draw periods, record periods and sliding windows – and by doing so defeats the entire purpose of Johnson.

The completely different nature of the jackpot offered by the present invention (i.e. a jackpot based in residual credits) to the jackpot of Johnson can further be seen by the fact that a gaming machine could, in fact, be configured to use both the present invention and the invention of Johnson.

For example, a gaming machine could be configured to award a player an ordinary jackpot during ordinary game play in accordance with Johnson, as well as being configured to allow the player to use his/her residual credits in a chance to win a further jackpot in accordance with the present invention.

No overlap between these two entirely different jackpots (with entirely different determinations of winning events) exists.

It is respectfully submitted that claims 1-21, as amended, are now in condition for allowance. Reconsideration is requested, and a Notice of Allowability solicited.

Respectfully submitted,

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